

THE LAW OFFICE OF

**ELISA HYMAN, P.C.****MEMO ENDORSED**

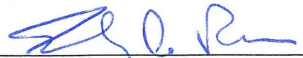
May 11, 2022

*VIA ECF*

Honorable Edgardo Ramos  
 United States District Court - Southern District  
 40 Foley Square  
 New York, New York 10007

The conference scheduled for May 17 is adjourned. The parties are directed to provide a status update by June 27, 2022.

SO ORDERED.

  
 Edgardo Ramos, U.S.D.J.  
 Dated: May 11, 2022  
 New York, New York

Re: *A.M. v. N.Y.C. Dep't of Educ., et al.*, 20-cv-635 (ER)

Dear Judge Ramos:

I represent the Plaintiff in the above-referenced case and write jointly with counsel for the Defendants to respectfully request an adjournment of the initial conference currently scheduled for May 17, 2022 and a corresponding extension of time to submit a proposed Case Management Plan ("CMP"). ECF No. 22. The parties respectfully request an adjournment of the conference *sine die*. This is the parties' first request for an adjournment and extension.

Plaintiff is the mother of a young man and woman, both with disabilities, who were students in the New York City school system. Plaintiff in this action alleges that the New York City Department of Education ("DOE"), Chancellor Richard Carranza and the New York City Board of Education ("BOE") (collectively "Defendants" or "DOE") failed to implement orders of administrative hearing officers under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §1415(j), and in violation of the Due Process Clause of the 14th Amendment of the U.S. Constitution, 42 U.S.C. §1983, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794 ("Section 504").<sup>1</sup>

The main thrust of Plaintiff's allegations is that Defendants failed to provide timely payment to providers for services rendered pursuant to favorable administrative IDEA decisions. Over the course of this case, the parties have engaged in settlement discussions focused on outstanding payment issues. Because the parties have now resolved the issue of outstanding payments, the remaining issue for settlement is Plaintiff's claim for attorneys' fees and costs for the underlying IDEA administrative hearings as well as for this action. Plaintiffs provided Defendants with a draft Stipulation of Settlement and their billing records on May 11, 2022, so that Defendants may seek settlement authority to negotiate this aspect of the settlement. Defendants will require approximately 30 days to review Plaintiff's billing records, which includes four underlying administrative hearings and the instant action, and to obtain authority to settle this aspect of the case. The parties have successfully resolved claims for attorneys' fees without court intervention or motion practice and believe they could do so here.

<sup>1</sup> Plaintiff's original complaint concerned favorable impartial hearing orders concerning her son only. ECF No. 1. In January, 2021, Plaintiff filed an amended complaint to add claims concerning a favorable IDEA order concerning her daughter. ECF No. 20.

Because settlement seems likely, the parties respectfully request an adjournment of the initial conference *sine die* as the parties submit that an initial conference is not necessary at this time. The parties respectfully propose submitting a Stipulation of Settlement or a status report no later than June 27, 2022. The parties are cognizant of the age of this case but believe it could successfully be resolved shortly via a settlement.

Thank you for Your Honor's consideration of this request.

Respectfully Submitted,  
THE LAW OFFICE OF ELISA HYMAN, P.C.

By: Erin O'Connor

Elisa Hyman, Esq.  
*Counsel for Plaintiffs*

cc: Andrew Rauchberg, Esq., *Counsel for Defendants*, via ECF